

TOXIC SUBSTANCES CONTROL ACT12-5. Management of Polychlorinated Biphenyls

1. **AUTHORITY.** To perform the following U.S. Environmental Protection Agency functions and responsibilities pursuant to Section 6(e) of the Toxic Substances Control Act and regulations codified in 40 C.F.R. Part 761 that are assigned by rule to the regional administrators:
 - a. To grant deny, and revoke TSCA PCB Coordinated Approvals.
 - b. To grant an application for a variance from the performance criteria applicable to a boiler that burns used oil.
 - c. To approve or deny applications for risk-based sampling, cleanup, storage, decontamination, or disposal of PCBs.
 - d. To require, allow, restrict or prohibit PCB management activities based on a finding that the activity does or does not present an unreasonable risk of injury to health or the environment.
 - e. To approve or deny permit applications to operate PCB storage or disposal facilities.
 - f. To approve or disprove a self-implementing cleanup of, or changes to an approved cleanup of PCB remediation waste.
 - g. To approve requests to collect a surface sample from a natural gas pipe segment or pipeline section where the surface area is $< 100 \text{ cm}^2$.
 - h. To waive notification of commencement of research and development for disposal activity or of self-implementing cleanup of PCB remediation waste.
 - i. To request or require information or data on the nature, location, and extent of PCB contamination.
 - j. To approve changes in ownership or operational control of a commercial storage facility.
 - k. To approve, approve modifications to, or release owners or operators from closure plans for commercial storage facilities.
 - l. To extend limits on volume, concentration, or duration for PCB disposal activities and to extend the time limits for complying with PCB regulations, where the regulation specifically authorizes such extensions.
2. **TO WHOM DELEGATED.** Director, Land, Chemical and Redevelopment Division.
3. **LIMITATIONS.**
 - a. This delegation is limited to the purposes stated herein and may be exercised only within the limitations of applicable law and regulation.

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- b. The delegatee may only exercise delegated authorities in regard to facilities which will operate or activities which will take place only in Region 8.
- c. This delegation of authority will remain in effect unless superseded by a subsequent delegation.

4. REDELEGATION AUTHORITY.

- a. These authorities may be redelegated to the branch chief level, or equivalent, and no further.
- b. An official who redelegates an authority retains the right to exercise or withdraw the authority. Redelegated authority may be exercised by any official in the chain of command down to the official to whom it has been specifically redelegated.

5. ADDITIONAL REFERENCES.

- a. For the purpose of this delegation, all terms, such as "disposal," have the meaning given to them under TSCA. Specifically, any definitions in 40 C.F.R. § 761.3 apply.
- b. "Solely related to use" includes activities solely related to use, as well as those solely related to: storage for use or reuse; manufacture; processing related to manufacture and use; and distribution in commerce related to use or processing for use.
- c. "Solely related to disposal" includes activities solely related to disposal, as well as those solely related to: cleanup; storage for disposal; processing related to disposal; distribution in commerce related to disposal or processing for disposal; and decontamination.
- d. A memorandum from the two assistant administrators to their staffs may specify how administration of the PCB program will be managed, including identifying the responsible office for each regulatory provision and clarifying procedures for handling areas of joint and overlapping authority ("Joint Memo"). The Joint Memo and any subsequent mutually agreed upon modifications or memoranda should be consulted where more detail than provided in this delegation is needed. From time to time, the offices may find it necessary to update or amend the Joint Memo.
- e. TSCA PCB compliance monitoring and enforcement activities are overseen by the Office of Enforcement and Compliance Assurance. See Delegation Nos. 12-1 through 12-3, 12-9, and 12-24.
- f. TSCA grants and cooperative agreement related activities are governed by Delegation Nos. 12-9 and 12-22.

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Acting Regional Administrator

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Date